

1  
2  
3  
4  
5  
6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 PERRY LEE SISCO,

10 Plaintiff,

No. CIV S-05-0867 GEB JFM P

11 vs.

12 STATE OF CALIFORNIA, et al.,

13 Defendants.

ORDER

14 \_\_\_\_\_/  
15 On December 13, 2006, defendants Butler, Cardeno, Davis, Dazo, Gaitonde,  
16 Grannis, Leichner, Martinez, Milson, Navarro, Pagala, Stahl, and Torruella filed a motion for  
17 summary judgment pursuant to Federal Rule of Civil Procedure 56.<sup>1</sup> Plaintiff has not opposed  
18 the motion.

19 Local Rule 78-230(m) provides in part: "Failure of the responding party to file  
20 written opposition or to file a statement of no opposition may be deemed a waiver of any  
21 opposition to the granting of the motion . . . ." On October 13, 2005, plaintiff was advised of the  
22 requirements for filing an opposition to the motion and that failure to oppose such a motion may  
23 be deemed a waiver of opposition to the motion.

24 \_\_\_\_\_  
25 <sup>1</sup> On January 8, 2007, plaintiff filed objections to the December 22, 2006 findings and  
26 recommendations concerning four defendants for whom plaintiff has not yet accomplished  
service of process. In the objections, plaintiff states "Plaintiff does oppose the recommendation  
for summary judgment." (Id. at 1.) This statement is insufficient to serve as an opposition.

1 Local Rule 11-110 provides that failure to comply with the Local Rules “may be  
2 grounds for imposition of any and all sanctions authorized by statute or Rule or within the  
3 inherent power of the Court.” In the order filed October 13, 2005, plaintiff was advised  
4 that failure to comply with the Local Rules may result in a recommendation that the action be  
5 dismissed.

6 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days of the  
7 date of this order, plaintiff shall file an opposition to the motion to dismiss, if he has any  
8 opposition, or a statement of non-opposition if he has none. Failure to comply with this order  
9 will result in a recommendation that this action be dismissed pursuant Federal Rule of Civil  
10 Procedure 41(b).

11 DATED: February 5, 2007.

12  
13   
14 UNITED STATES MAGISTRATE JUDGE

15 /001; sisco.46o  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26